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1153

Report —
concerning
Mrs. Thornton
Dr. Post. room
& adeptia
Dec 13

1154

An Act to divorce Felix Hathaway and Mary Hathaway

Read 1st time 1st July
" 2nd " - 2 "
referred to Committee of the whole — Adopted —
Read 3rd time and passed
— 3rd July 1845. —

Copied

An Act to divorce Felix Hathaway and Mary Hathaway

Be it enacted by the House of Representatives of Oregon Territory, as follows

Section 1. — That the marriage contract heretofore existing between Felix Hathaway and Mary Hathaway; be and the same is hereby dissolved, and that hereafter they be entitled to all the privileges of an unmarried life

Sect. 2 — This Act to take effect and be in force, from and after its passage.

Approved 15. Aug. 1845 Oregon City
Geo. Abernethy

(5) 1155

An Act to incorporate the Multnomah Circulating Library —

Read 1st time — 27th June
" 2nd " — 28th "
referred to Committee of the whole — Laid upon the table.
referred to Committee of the whole 6th Augt — to be referred to Committee on Education Laid upon the table —
Adopted —
Read 3d time 14th Augt
And Passed

Copied

An Act to incorporate the Multnomah Circulating Library.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect 1 ... That David Leslie, Elijah White, James A. Oneil, W. H. Gray, George Abernethy, and the present subscribers and proprietors of the Multnomah Circulating Library, with others who may hereafter become subscribers to the same, be and they are hereby incorporated a body politic and Corporate with power to sue and be sued, plead and be impleaded by the name and style of the Trustees of said Library, and by that name to have and hold perpetual succession and a common seal.
Provided that this Act shall not be so construed, as to authorize the company hereby chartered, to increase their capital in real or personal property, beyond the sum of Twenty thousand dollars, or to exercise any powers other than such as is necessary to the procuring of books, papers, pamphlets or publications of any kind and the safe keeping and proper use of the same.

Sect 2 ... At a majority of the subscribers present at the next annual meeting shall elect five of their number to the office of Trustees, one Secretary, one Treasurer, one Librarian, with such other officers as they may deem expedient; who shall hold their offices not less than one nor more than two years ...

Sect 3 ... The Trustees and their successors in office shall have power to hold and possess, in full right and title, or by lease, all property real or personal, now held by subscription, and to receive and hold all property that may hereafter be obtained by subscription or otherwise, for the use and benefit of said Corporation.

Sect 4. ——— The said Trustees and their successors in office shall have power to appoint all officers and agents and to prescribe their powers and duties. to make, ordain and establish such by laws, rules and regulations for the conduct and government thereof, as they may deem expedient and consistent with the Constitution of the same and the Laws of Oregon.

Sect 5. ——— The said Trustees and their successors in office shall annually publish a full expose of the fiscal affairs of said Corporation; the number of volums number of subscribers, the names of the Trustees and officers, with all other matters which they may deem of interest, or as may be called for by the Legislature from time to time.

Sect. 6. ——— Any future legislature may alter and amend this Act. This Act to take effect from and after its passage.

Amended by Ryder.

Strike out the words "of the Trustees of said Library" in the first section and insert the words "Multnomah Circulating Library."

Oregon City 19. Aug. 1845

Approved

Geo. Abernethy

1156

An Act to obtain the Suffrages of the People on the Organic Laws

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Read 1st & 2nd time 5th July referd. to Committee of the whole — adopted — Read 3rd time & Passed 5th July 1845

Copied

An Act to obtain the Suffrages of the People, on the Organic Laws of Oregon.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect. 1. That a true Copy of the Original Organic Laws of Oregon, without alteration or amendment; and a Copy of said Organic Laws revised and amended be submitted to the People of Oregon, at the several precincts hereon mentioned for them to decide which shall in future govern this Territory

Sect. 2. It shall be the duty of the Recorder to transmit together with the Poll Books, to the several places of voting hereon named previously to the day of Election, a true Copy of the Organic Laws without, and a Copy of the Organic Laws with amendments, which before opening the polls shall be read and explained to the people by one or more of the Judges of said Election.

Sect 3. The qualified Electors so instructed shall proceed to vote Viva Voce for the instrument to which they give a preference, and the instrument so voted for, receiving the highest number of votes, shall thenceforth be the Supreme Law of the Land. ——

Sect 4. That the following named persons shall act as Judges of Election at the several places herein named, and in case of one or more of said Judges failing to act, the remaining Judge or Judges are hereby empowered to fill said vacancies.

Robert Newell, John McLoughlen, Gr. M. Forsie, to be Judges of Election at the Catholic Mission, and J. M. Garrison, Barton Lee, W. H. Wilson to be Judges of Election at the Oregon Institute, in the County of Champoig.

Elijah Hendrick, Absalom Hembrie, & Wm Newby to be Judges of Election at the house of Absalom Hembrie, and Jesse Applegate, Nathaniel Ford & Daniel Matheny to be Judges of Election at the house of George Gay in the County of Yam Hill.

W. H. Gray, Miram Knight; Philip Foster to be Judges of Election at Oregon City and —— to be Judges of—

Election at Fort Vancouver, in the County of Clackamas, and Hugh Burns, James Athey and Felix Hathaway to be Judges of Election at Multnomah City and David Hill, S.M. Gilmore & M.M. McCarver to be Judges of Election at the Methodist Meeting house in Twality County, and R. Shortess, John McClure, Malcom Tibbits to be Judges of Election in the county of Clatsop, and the above named judges shall be governed in their duty and in all respects amenable to the Law regulating Elections.

Sect 5th — The Election herein provided for, shall be held in the several precints above named on the last Saturday in July next, and the Judges, Clerk and other officers of Oregon shall be governed by the Laws regulating Elections in all respects, not herein otherwise provided for, as in case of General Elections ——

Sect 6. The Recorder is hereby authorized to contract for and obtain the printing of 300 Copies of the Original and Amended Organic Laws of Oregon, provided the same may be ready for distribution within ten days from the passage of this Act, and the said Recorder shall distribute the said printed copies to the Judges of Election in the several counties according to their population ——

Sect 7. It shall be the duty of the Executive immediately upon the receipt of the returns of said Election, to issue a proclamation declaring the result of said Election.

This Act to take effect and be in force from and after its passage ——

Approved Oregon City 15 Aug. 1845
Geo. Abernethy

An Act to repeal a part of a former act entitled "an Act to provide for Ways & Means

Read 1st. & 2nd time 5th. Inst. referred to Committee of the whole — Adopted —
Read 3rd. time and passed
— 5th. July 1815. —

Copied

An Act to repeal a part of a former Act entitled, "an Act to provide for Ways and Means".

Be it enacted by the House of Representatives of Oregon Territory, as follows:

That the fourth section of an Act entitled "an Act to provide for ways and means" be and the same is hereby repealed.

This Act to take effect and be in force from and after its passage.

Approved Oregon City 15 Aug. 1845
Geo. Abernethy

1.66

Appropriation Bill

Read 1st & 2nd time 5th July
referd to committee of the
whole — adopted —
Read 3rd time and passed
5th July
1845

Copied

Appropriation Bill

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sec. 1. That the following sums be and they are hereby appropriated out of any money in the Treasury for the purposes herein specified — To wit:

Sect. 2. To pay the Executive Committee for the past year three hundred dollars. 300,00

Sect. 3. To pay the Circuit Judge, one hundred dollars. 100,00

Sect. 4. To pay the Dist. Attorney, sixty two dollars and fifty cents 62,50

Sect. 5. To pay the Sheriff two hundred and five dollars and eighty eight cents. 205,88

Sect. 6 To pay the Secretary, one hundred and eleven dollars, and thirty one cents. — 111,31

Sect. 7. To pay expense on Election returns from Clatsop seventeen dollars, and fifty cents 17,50

Sect. 8. To pay expense of Court at Champoic, for house rent, sixteen dollars. 16,00

Sect. 9. For Stationary, fifty dollars 50,00

Sect. 10. For the pay of the contingent expenses of the House, during the sitting of the Legislature the sum of Seventy five dollars 75,00

Approved Oregon City 15. Aug. 1845
Geo. Abernethy

(13) 1259

An Act regulating Government Scrip, making it a limited Tender in payment of Government demands—

Read 1st Time—

" 2nd " — 5th Inst

Refer'd to Committee of the whole — adopted—

Read 3rd time and passed

— 5th July 1845 —

Copied

An Act amendatory of an Act entitled an Act on Ways and Means.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect. 1st. ——That all certificates issued by the Recorder or any officer of this Government according to Law, be received and are hereby declared to be a lawful tender for all dues to the Government.

Sect. 2nd ——— The Laws of Iowa regulating the dividing of all such scrip, are hereby declared to be the Law of this Land ———

Sect. 3rd ——— All Acts or parts of Acts heretofore passed conflicting with this Act are hereby repealed.

Sect. 4th ——— This Act to take effect from and after its passage ———

Approved Oregon City 15. Aug. 1845

Geo. Abernethy

1160

An Act in relation to Courts —

Read 1st & 2nd time 5th July referred to Committee of the whole — Adopted — Read 3rd time and passed 5th July 1845

Copied

An Act in relation to Courts.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect. 1. That the Circuit Judge shall not be required to give notice for the holding of the Fall Term of the Circuit Court, nor to hold said Court, till further measures shall have been taken by the Legislature regulating the Judiciary.

Sect. 2. This Act to take effect from and after its passage.

Approved Oregon City 15. Aug. 1845

Geo. Abernethy

1851

An Act to amend an Act entitled "an Act to incorporate Oregon City" Passed 24th Dec. 1844

Read 1st time 25th June
" 2nd " 26th "
and ordered to be engrossed for 3rd reading -
Read 3rd time 27th June 1845 and passed

Copied

An Act to amend an Act entitled "an Act to incorporate Oregon City", Passed 24 Dec.r 1844.

Be it enacted by the House of Representatives of Oregon Tendory, as follows;

That the first section of said Act be amended by inserting after the word "including" the words, "the same together with" so as to read as follows, To wit, Including the same together with all that portion under the Bluffs on the east side of said river.

Approved Oregon City 15 Aug. 1845
Geo. Abernethy

An Act in relation to the County Seat of Iwalaty County

Read 1st time 3rd July
" 2nd " 4th "
Referred to Committee of the whole — Adopted
Read 3rd time and passed
5th July 1845

Copied

An Act in relation to the County seat of Twalaty County.

Be it enacted by the House of Representatives of Oregon Tenitory, as follows;

Sect. 1.— That the vote of the people of Twalaty County may be taken at the Election for receiving the Organic Laws of Oregon, on the location of the County seat of said County, and a majority of all the votes taken shall be necessary to a choice.—

Approved Oregon City 15. Aug. 1845
Geo. Abernethy.

163

An Act for the relief of Martha Jane Rice

"

Read 1st time 2nd July
" 2nd " " "
refer'd to Committee of the whole this day, adopted
Read 3rd time and passed
3rd July
1845

Copied

An Act for the relief of Martha Jane Rice.

Whereas Martha Jane Rice has petitioned this body praying a divorce from her husband Stephen Mac Rice, shewing good and sufficient reasons for the same, and whereas the said Stephen Mac Rice being duly notified and requested to appear and make his defence or his objections to granting of the prayer of his wife, has wilfully failed to appear, defend or object :) Therefore

(Be it enacted by the House of Representatives of Oregon Territory, as follows:

That the bonds of Matrimony between Martha Jane Rice and her husband Stephen Mac Rice, be and they are hereby wholly and for ever dissolved, and the parties released from all obligations of the same, and fully restored to all the privileges of unmarried persons in this Territory.

This Act to take effect from and after its passage. ——

Approved Oregon City 15 Aug. 1845
Geo. Abernethy

(1) 1164

An Act regulating the Marking and Branding of Animals and to prescribe the manner of butchering wild Cattle

Read 1st time - 25th June
" 2nd " - 26th "
referred to Committee of the whole to-morrow.
considered and adopted
27th June
Read 3rd time and passed
27th June 1845.

1845

Cfried

An Act regulating the Marking and Branding of Animals and to prescribe the manner of butchering wild Cattle.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Section 1. That each owner of Cattle, horses, mules, or asses running and breeding at large shall provide himself with a good and sufficient branding iron differing from the branding iron of any other person or company in his vicinity, a correct and full description of which he shall record in the office of the Recorder of this Territory, and all owners of Cattle, Sheep or Swine grazing and breeding at large, shall adopt and record in the Recorders office, an ear mark differing from the mark of any other person or company in his vicinity, Provided however that no ear marks shall be practiced or recorded by which more than one half of either ear is taken off.

Sect. 2. That any person or company owning herds of Cattle horses, mules, or asses, running and breeding at large, shall fix upon a day in the month of June, and a day in the month of September of each year, on which he or they intend to mark or brand the increase of his or their Cattle, horses, mules or asses. Ten days public notice of the time and place of such marking and branding shall be previously given by advertisements, set up in at least three of the most public places in the County, in which said marking and branding is to be done, but all sheep or swine, or the increase of cows kept up for dairy purposes, or of horses or asses kept up for service may be marked or branded at any time the owner may see proper.

Sect. 3. All sales, transfers, or exchanges of Cattle, mules, or asses, running at large by which it shall become necessary to mark or brand, public notice of the time and place of such marking or branding shall be given, as is provided for in the preceding section.

Sect. 4. Be it further enacted, That where Cattle, horses mules or asses herding together, belong to different owners it shall not be lawful for any person to remove such herd or herds out of their usual place of grazing, without first obtaining the consent of the principal owner or owners thereof, and in case any owner wishes to withdraw or remove his cattle from said common herd, he shall in no case remove said herd further than the bound of the principal owner thereof, nor shall he do so, without the knowledge of said principal owner or owners.

Sect. 5. Be it further enacted, That it shall be the duty of every person slaughtering beef out of a herd of Cattle grazing and breeding at large, to keep a Register in which he shall enter, the date on which each animal is killed, together with a concise description thereof, and further that he shall keep the skin whole and entire with the ears thereto, at least one month open to the inspection of any person entitled, or obtain the certificate of any Justice of the Peace, that the cattle so slaughtered are his own.

Sect. 6. That any person either by accident or mistake killing an animal not his own, shall immediately, if the rightful owner is known to him, notify him of the fact, and in case the owner is unknown, he shall call in two disinterested and respectable householders, who shall upon oath proceed to justly value and accurately describe said animal, three copies of said valuation and description, shall be set up in the most public places in the county, and one copy with the signatures of the appraisers affixed, shall be filed and preserved in the office of the nearest Justice of the Peace of the County in which the Casualty occurred. and the person so killing shall forfeit and pay to the rightful owner, double the appraised value of said animal, to be recovered by action of debt.

Sect. 7. The Circuit Court of Oregon shall give this Act in charge to the grand Jury at each session of the Court, and offenders shall be proceeded against by indictment, as in other cases of crime and misdemeanor.

Sect. 8. That all persons convicted of a violation of this Act shall be fined a sum not less than ten nor more than one hundred dollars, at the discretion of the Court, with costs of suit.

Sect. 9. That all Acts and parts of Acts now in force in Oregon, not in accordance with this Act shall be, and the same are hereby repealed.

Sect. 10. This Act to take effect and be in force from and after the 1st of September next.

Approved Oregon City 15. May 1845

Geo. Abernethy

1165

An Act amendatory of an Act of the Iowa Statutes entitled "an Act to regulate Ferries."

Read 1st & 2nd time 5th July referd to Committee of the whole - Adopted
Read 3rd time and passed
5th July 1845

Copied

An Act amendatory of an Act of the Iowa Statutes entitled "An Act to regulate Ferries."

Be it enacted by the House of Representatives of Oregon Territory, as follows.

Section 1 st. That it shall be lawful for the Judge of the Supreme Court, to grant Ferry License at any time either in Session or vacation.

Sect 2. nd — That the second section of an Act of the Iowa Statutes entitled "an Act to regulate Ferries" and the proviso to the third section of the said enactment, be and the same are hereby declared inapplicable to Oregon.

Sect 3. rd — This Act to take effect and be in force from and after its passage.

Approved Oregon City 15 Aug. 1845
Geo. Abernethy

An Act to repeal an Act entitled an Act in regard to Slavery and Free Negroes and Mulattoes &c

Read 1st time — 1st July
" 2nd " — 2d "
rep'd to Committee of the whole — Adopted.
Read 3rd time and passed
— 3rd July 1845

Copied

An Act to repeal an Act entitled "an Act in regard to Slavery and Free Negroes and Mulattoes. passed 26th June 1844. and to repeal an Act amendatory of an Act passed 26th June 1844. in regard to Slavery and other purposes, passed 19th Dec. 1844.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect 1. — That the Act entitled an Act in regard to Slavery and Free Negroes and Mulattoes, passed 26th June 1844 be and the same is hereby repealed.

Sect 2. — That the Act amendatory of an Act passed 26th June 1844, in regard to Slavery and other purposes, passed 19th Dec. 1844. be and the same is hereby repealed.

Sect 3 — This Act to take effect from and after its passage.

Approved Oregon City 15. Aug. 1845
Geo. Abernethy

1167

An Act to incorporate the Columbia Transporting Co.

Read 1st time — 15 Augt
" 2nd " " — 16 "
referred to Committee of the whole — adopted
Read 3rd time — 19th Augt and passed

1865

Signed

An Act to incorporate the Columbia Transporting Company.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. ——— That all such persons as shall become stock-holders, agreeably to the provisions of this Act, in the Corporation hereby created, shall be a body politic and corporate by the name and style of the Columbia Transporting Company, and by that name may have succession, may sue and be sued, complain and defend, in any Court of Law or Equity, may purchase, hold, and convey, real, personal, or mixed estate, so far as the same may be required to secure the object of their incorporation, may make and use a common seal, and alter the same at pleasure, may make by-laws, rules and regulations for the management of its property, the regulation of its affairs, and for the transfer of its stock not inconsistent with the Laws of this Territory, and may moreover appoint such subordinate agents, officers, and servants, as the business of said Corporation may require, and allow them a suitable compensation, prescribe their duties, and require bonds for the faithful performance thereof, in such penal sums, and with such sureties, as they may choose, who shall hold their offices during the pleasure of a majority of the directors of said Corporation.

Sect 2. ——— The Capital stock of said Corporation, shall be equal to the amount necessary to complete the Rail road, contemplated to be constructed by this Act, together with all necessary depots, tool houses, cars, locomotives, and other buildings or machinery necessary to put in successful operation the mode of conveyance proposed to be established, and such other expenses for the services of officers and contingencies as may be necessary and no more and the same shall be subscribed in shares of ten dollars each

Sect. 3. ——— That George Abernethy, Francis Ermatinger, F. W. Pettigrove and John Couch are hereby authorized and appointed Commissioners, and to receive

subscriptions to the Capital Stock of said Corporation, and the said Commissioners are hereby required to notify the public of their appointment, and of the terms upon which they will receive subscriptions of Capital Stock, such notice shall be given as soon as they are prepared to open the books for subscription of stock, and so soon as Five Thousand dollars are subscribed, the said Commissioners shall notify Robert Newell or J. W. Nesmith of the fact, and the said R. Newell or J. W. Nesmith are hereby authorized and directed to call a first meeting of the stock holders of the said Company, by giving notice by advertisements posted up in at least four of the most public places in this Territory at least twenty days before the day appointed for the meeting.

Sect. 4. ..... The Stock-holders shall upon their first meeting elect a President, a Board of Directors, and such other officers as they may deem necessary, and said President and Board of Directors shall have power to transact all business of the Company, and to pass all by-laws as may be deemed necessary; at all meetings of the stock-holders each share shall entitle the holder to a vote, and any stock-holder may give his vote by proxy when not personally present.

Sect. 5. ..... Said Company within three years shall commence and complete around the Falls of the Willamette river a safe and easy passage either by Railroad or Turnpike, and shall report to the House of Representatives, so soon as the same is completed or ready to be used to advantage, the description of road constructed and a full and accurate account of the actual cost of the same, and the House of Representatives shall establish the rate of Tolls to be collected by said Company.

Sect. 6. ..... It shall be the duty of said Company to report annually to the House of Representatives, the condition of the affairs of the Company, with an accurate account of the receipts and expenditures of the Company, which account shall be rendered under the oath of the accounting officers, and upon such account the Legislature may alter

The rate of tolls collected in such manner and to such an amount as they may deem just and proper.

Sect. 7. ——— The President and directors of said Company shall annually declare a dividend of the profits accruing to said Company from the collection of tolls on said Road, provided no dividend on any one year shall exceed two dollars to each share, and all monies collected by the Company on any one year, over and above the necessary expences of the Company and twenty per cent on the Capital Stock, shall be paid into the Treasury of the Territory.

Sect. 8. ——— Nothing in this Act shall be so construed as to prevent the House of Representatives from, at any time hereafter altering or amending this Act, or using their Capital in any manner other than to the purpose herein contemplated, or to prevent this Government or the Government of the United States, from becoming the owner of the property of the Company, by the payment of the first cost of the same, with lawful interest, or to prevent the House of Representatives from declaring their charter forfeited upon a failure on their part to complete the work in the time herein specified, or for any other flagrant violation of the provisions of this Act.

This Act to take effect and be in force, from and after its passage. ———

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

Appropriation Act for 1845.

Read 1st time ... 19th Aug.
" 2nd " ... Ag.
referred to Committee of the whole — adopted.
recommitted to Committee of the whole — adopted
Read 3rd time and passed
Aug 20th —
1845 —

Copied.

Appropriation Act for A.D. 1845.

Be it enacted by the House of Representatives of Oregon Territory, as follows,

Sect-1. ——— That the sum of Four Hundred dollars, be and the same is hereby appropriated for the payment of the Judge of the Supreme and Criminal Court—

Sect 2: ——— That the sum of Four Hundred dollars, be and the same is hereby appropriated for the pay of the Secretary.

Sect-3. ——— That the sum of Two Hundred dollars, be and the same is hereby appropriated for the pay of the Treasurer.

Sect-4. ——— That the sum of Nine Hundred dollars, be and the same is hereby appropriated for the pay of the House of Representatives

Sect. 5. ——— That the sum of Three hundred dollars, be and the same is hereby appropriated for the pay of the Governor.

Sect. 6. ——— That the sum of One Hundred dollars, be and the same is hereby appropriated for the pay of the contingent expenses of the Supreme and Criminal Courts.

Sect. 7. ——— That the sum of Two hundred and fifty dollars be and the same is hereby appropriated to the pay of Circuit Attorney.

Sect. 8. ——— That the sum of One hundred dollars be and the same is hereby appropriated for the pay of the Marshal.

Sect. 9. ——— That the sum of Two hundred dollars be and the same is hereby appropriated for the pay of Assessor

Sect. 10. ——— That the sum of Twenty three dollars and fifty cents, be and the same is hereby appropriated for the pay of W. H. Wilson, Sarjeant, of 1843.

Sect. 11 ——— That the sum of Sixty-six dollars, be and the same is, hereby appropriated for the pay of Members of the Legislative Committee, of 1844.

Oregon City 23d August 1845

Approved

Geo. Abernethy

Sect. 12. ——— That the sum of Seventy two dollars and fifty cents, be and the same is hereby appropriated for the pay of the Clerk and Recorder.

This Act to take effect and be in force from and after its passage.

Oregon City 23. August 1845

Approved

Geo. Abernethy

An Act to amend an Act entitled an Act on Roads and Highways — passed 22d June 1824

Read 1st time ... 15th Augt
" 2d " — 16th "
referred to Com. of the whole
laid upon the table
in Committee of the whole —
adopted ———
Read 3rd time and passed
19th Augt
1825 —

Copied

An Act to amend an Act entitled an Act on Roads and Highways, passed 22nd June 1844.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect. 1. ——— That whenever the Term "Circuit Court" occurs in said Act, the same shall be read and understood District Courts, and the word "Clerk" shall mean the Clerk of the District Courts.

Sect. 2. ——— That the 4th section of the first article be amended by striking out all from the word "duty" to the word "his" and insert the word, during; strike out also the word "expires" at the end of the section.

Sect. 3. ——— That the 14th section be stricken out and the following inserted instead thereof—to wit. All persons capable of holding a Land claim according to the Laws of Oregon, shall be subject to work on public roads in the District in which they reside, two days in each and every year; and shall be further subject to an advalorem road Tax to be levied by the District Court: provided it shall be the privilege of all persons upon whom such tax shall have been levied, to discharge the same by labour on roads at a per diem allowance, to be determined by the Court.

Sect. 4. ——— Strike out the 15th section and insert, The District Courts shall perform the duties of allotting Justices.

Sect. 5. ——— That all expenses heretofore paid for the viewing out and opening Roads, out of the Territorial Treasury, shall hereafter, be paid out of the County or District Treasury.

This Act to take effect and be in force, from and after its passage.

Oregon City 23. August 1845

Approved

Geo. Abernethy

1870

An Act for assessing and collecting the Revenue

Read 1st time — 20th Aug.

" 2nd " — "

referred to Committee of the whole — adopted —

Read 3rd time and passed

20th Aug. —

— 1845 —

Col Sec

An act for assessing and collecting the Revenue.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect 1. ——— That an Act of the Iowa Statutes entitled "an Act for assessing and collecting County revenue" shall apply to the assessing and collecting the Territorial revenue of Oregon as well as the District-revenue, except in cases otherwise directed in this Act; or in Acts defining the duties of the officers in this Territory, or in an Act entitled "an Act to regulate the Currency

Sect. 2. ——— There shall be an advalorum tax of one fourth of one per centum for Territorial purposes, and such rates as the District-Courts of the respective Districts shall decree for District-purposes, upon the following property and no other, to wit; All improvements made subject to execution, Carriages of every description, Clocks, Watches, Horses, Mules, Cattle, Sheep and Hogs.

Sect. 3. ——— The Territorial tax upon which a District tax shall be levied as provided in the preceding section, shall be upon the following named objects as follows;

Upon every qualified voter under sixty years of age, a poll tax of ——— 50 cents

Upon each Merchants license where the Capital employed is under Ten thousand dollars, ——— $.20,00

Where the Capital employed is over ten thousand dollars $. 30,00

" " " " " " fifteen thousand dol's $.45.00

" " " " " " twenty thousand dol's $.60,00

Upon each Auctioneers license, the sum of ——— $.10,00

" " Pedlars license, " " " $.10.00

" " Ferry licenses, not less than $.5,00 nor more than $.25,00 at the discretion of the District-Court.

Sect. 4. ——— Upon the following objects a Territorial tax only, shall be levied, to wit;

Upon each license granted to any Vessel to retail Merchandize twenty-five dollars ——— $.25,00

Sect. 5. ——— Upon the following objects a District tax only, shall be levied, to wit,

Upon each license of an Attorney or Counsellor at Law, authorized

to practise in the District Court or Justices Courts, within the District - - - - - - - - $. 10,00

For the services of the District-Court,

For hearing and deciding upon each Petition of a Public nature; to be paid by the Petitioners - - - $. 1,00

In the following cases the following tax shall be levied, and paid as other costs;

For hearing and determining each motion of Counsel in cases both Civil and Criminal - - - - - - - - $. 1,00

For each final judgment - - - - - - - - - $. 3,00

" allowing an appeal - - - - - - - - - - - $. 1,00

and the fees allowed Masters in Chancery when like services are performed by the Court.

And a District tax shall be levied by the District-Court, in like manner as the Territorial tax, for District purposes, but it shall not exceed that of the Territorial tax.

Sect. 6. ~~~~~ All persons hereby required to pay a tax for a license, shall be subject to the penalties imposed upon Merchants in the Statute Laws of the Territory of Iowa; Provided however that nothing shall be so construed in this Act as to require the Circuit or Prosecuting Attorney of this Territory, to pay a tax for License to practise Law in any Court in this Territory, or to prevent or prohibit any person from appearing and pleading in his own cause.

Sect. 7. ~~~~~ The Assessor shall deliver a full and complete assessment roll, together with the gross or total number of the inhabitants of his District (excluding Indians) to the Clerk of the District Court, so soon as the same shall be completed, and said roll and Census shall in all cases be filed before the Spring term of the District Court, which shall be held as a Court of Appeals from the Assessors books, and said Court of Appeals, shall be held free of tax or costs, and at said Spring term the District Courts shall fix the District tax.

Sect. 8. ~~~~~ The District tax shall be paid as other taxes to the Territorial Treasurer, of which he shall keep a separate account to the Credit of each District, and receive thereon the same per centum, as is allowed to him on other monies.

Sect. 9. ——— The District Court shall audit and settle all demands against the District without fee or tax, and for all demands established against the District, shall draw upon the District Treasury in the name of the person to whom said demand is payable, which draft or order shall be signed by the presiding officer of the Court and attested by the Clerk, which draft or order shall be sufficient vouchers to the District Treasurer, to pay the same, if there be any money in the District Treasury, and in case there is no money in the Treasury, he shall issue against the District in like manner and to like effect, as Scrip payable by the Territory.

Sect. 10. ——— Nothing in this Act shall be so construed as to prevent the District Court of any District from at any time drawing out of the hands of the Territorial Treasurer all monies due their respective Districts or of retaining the same, when collected by the Sheriff.

Sect. 11 ——— Any person who contumaciously refuses to give to the proper officer a correct list of all the property, made subject to taxation by this Act, in his possession on the first day of February of each year, or shall in his possession if called upon before that time, upon his oath or affirmation, shall be deemed guilty of a misdemeanor; and fined a sum, not exceeding one hundred dollars, to be ascertained and collected as other fines and forfeitures.

This Act to take effect and be in force in twenty days after its passage.

Oregon City 23 August 1845

Approved

Geo. Abernethy

1171

An Act to adopt the Laws passed in 1841.

Read 1st time 19th Aug.
" 2nd " — — —
referred to Committee of the whole. —— adopted
read 3rd time and passed —

1841

An Act to adopt the Laws passed by the Legislative Committee of 1844-1.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

That the Acts passed by the Legislative Committee of 1844. not incompatible with the Original or Amended Organic Laws and not repealed by special enactments of the House of Representatives of 1845. be and the same are hereby adopted as the Laws of Oregon.

This Act to take effect and be in force from and after its passage.

Oregon City 23 August 1845

Approved

Geo. Abernethy

1172

An Act to provide for the Election and defining the duties of Marshal.

Read 1st time .. 15th Augt
" 2nd do. 11 "
Referred to Committee of the whole .. adopted ..
Read 3rd time 19th Augt
and Passed

1845

copied.

An Act to provide for the Election and to define the duties of a Marshal of Oregon Territory.

Be it enacted by the House of Representatives of Oregon Territory, as follows.

Sect 1. ——— The Marshal of this Territory shall be elected by the House of Representatives and commissioned by the Governor, and shall continue in office for two years, and until his successor is duly elected and qualified, and before entering upon the duties of his office shall take the oath as prescribed in the Articles of Compact, which shall be endorsed upon the back of his commission, and shall enter into bond with good and sufficient securities, to the Territory, conditioned for the faithful performance of his duties and in a penalty not less than five thousand dollars. A vacancy in the office shall be filled in the same manner as a vacancy in the Judiciary — the temporary Marshal being bound as the permanent officer; provided that at the expiration of the term of service of such Marshal, said officer shall be elected by the qualified voters of Oregon Territory

Sect. 2 ——— It shall be the duty of the Marshal, to execute all orders, process, and decrees of the Supreme and Criminal Courts, and shall attend upon the sittings of said Courts; and in cases not otherwise directed by this Act; receive like fees for his services, and be governed in his duties as is prescribed in the statutes of the Territory of Iowa in an Act, entitled "an Act for the appointment and duties of Sheriffs"

This Act to take effect and be in force, from and after its passage. ———

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

An Act to establish Courts and prescribe their powers and duties.

Read 1st time 8th Augt
" 2nd " 9th "
referred to Committee of the whole this day — adopted,
Read 3d time 13th Augt
1845
Ord Passed
* reconsidered & Committee of the whole — adopted and 3d time 19th Augt and Passed

Copied.

20 Aug 1845

An Act to establish Courts, and prescribe their powers and duties.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Section 1st. ——— The Judicial Power shall be vested in a Supreme Court, Criminal Courts, District Courts, Probate Courts and in Justices Courts. The ~~Supreme~~ Criminal, District ~~Courts~~, and Probate Courts shall be Courts of Record.

Sect. 2nd. ——— All Judicial officers shall be elected by the House of Representatives, and commissioned by the Governor, and before entering upon the duties of their offices shall within thirty days after receiving their commissions, take the oath prescribed in the Articles of compact, a certificate of which shall be endorsed on their Commissions.

Sect. 3rd. ——— In case of vacancy in any of the Judicial offices, it shall be the duty of the Governor to appoint some suitable person to fill such office until the next regular session of the house of Representatives ~~Annual Election~~, when the vacancy shall be filled as an original appointment but for no longer period than the end of the term vacated.

Sect. 4th ——— The Courts of Record shall procure and keep a seal with such emblem and devices as the Courts shall think proper.

Sect. 5th ——— The Courts of Record shall with the advice and consent of the House of Representatives, appoint their own Clerks whose tenure of office shall be the same as that of the Judge of the Court of which they are Clerk: who before entering upon the duties of their offices shall take the oath prescribed in the Articles of Compact and enter into bond to the Territory, with good and sufficient securities, conditioned for the faithful performance of their

duties, in such penalty as the respective Courts may deem sufficient to cover all responsibilities; a vacancy in the office of Clerk may be filled by the Court in which such vacancy occurs until the next meeting of the Legislature, provided the person so appointed shall take the oath and enter into the bond required by this Act.

Sect. 6th ——— The Courts established by this Act, shall have power to punish as for ~~a criminal con~~ tempt, persons guilty of either of the following acts, and for no others.

First. Disorderly, contemptuous or insolent behavior committed during its sitting in immediate view and presence, and directly tending to interrupt its proceedings, or to impair the respect due to its authority;

Second — Any breach of the peace, noise or disturbance, directly tending to interrupt its proceedings —

Third — Wilful disobedience of any process or order lawfully issued or made by it —

Fourth — Resistance wilfully offered by any person to the lawful order or process of the Court.

Fifth — The contumacious and unlawful refusal of any person to be sworn as a witness, and when so sworn the like refusal to answer any legal and proper interrogatory; and all other acts denominated "contempts of Courts" in the Statute Laws of the Territory of Iowa, shall be deemed, tried, and punished as crimes or misdemeanors.

Sect. 7th ——— Punishments for contempts may be by fine or imprisonment or both, the fine not to exceed fifty dollars, and the imprisonment not to exceed ten days. Persons punished for contempt may also be indicted and punished according to law, if the offence be indictable.

Sect 8th ——— The impression of the seal of any Court of Record, by stamp, shall be a sufficient sealing in all cases where sealing is required, and where no official seal is

provided the private seal of the Clerk may be used, and the fact stated in the certificate of the Clerk. Justices of the Peace shall use their private seals or scrolls.

Sect. 9th ——— The several Judges and Justices of the Peace shall be conservators of the Peace throughout this Territory, and be exempt from Military duty during their continuance in office, except in case of invasion or insurrection

Sect 10th ——— It shall be the duty of the Judges of Election at the several precincts in this Territory to open a poll at the first annual Election, to take the sense of the People, whether in future the District-Judges as provided for by this Act shall be elected by the House of Representatives or by the People.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

1174

An Act to incorporate the Watonis Milling Company

Read 1st time - 15th Feby
" 2nd " - 16th "
referred to Committee of the whole — adopted —
read 3rd time 19th Feby
And Passed

1845

copied

An Act to incorporate the Wahoni Milling Company

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. That William T. Perry, Thomas Owens, Edward Williams, Elbridge Trask, and Calvin Tibbet, and their associates, be and the same are hereby declared a body Corporate and Politic, under the name of the Wahoni Milling Company.

Sect. 2. That the said Company shall have power in its Corporate capacity, to sue and be sued, appear, prosecute and defend to final Judgement and execution, in any Courts, or elsewhere; to have a common seal which they may alter at pleasure: to elect in such manner as they shall determine to be proper, all necessary officers and to fix their compensation, and define their duties and obligations, and to make by-laws and regulations consistent with the Laws of Oregon for their own government, and for the due and orderly conducting their affairs, and the management of their property, and the said William T. Perry is hereby empowered to call a first meeting of the Stockholders at such time and place as he may think proper.

Sect 3. That the said Company is hereby authorized and empowered, to construct, erect, establish and keep in operation, all Mills or other Machinery they may think proper; to build and erect all dams, excavate &c Canals, and generally they are hereby authorized and empowered to create a sufficient water power to propel their Machinery; Provided however that nothing in this Act shall be so construed as to exempt or release the said Company from the observance of any Law, that would be binding upon an individual in like circumstances.

Sect 4. That any Member or Members of said Company are hereby authorized to claim and hold according to Law, as much land as may be necessary to secure to the Company, all their Mills, Mill-dams or other works, they may erect.

This Act to take effect and be in force from and after its passage.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

× 1175

An Act establishing District Courts ——

Read 1st time — 9th Augt.
" 2nd " — 11th "
referred to Committee of the whole — adopted —
on its 3rd reading referred to Committee of the whole — adopted — read 3rd time and passed 12th Augt 1845.
reconsidered and laid upon the table — referred to Committee of the whole — adopted
Read 3rd time and passed
19th Augt
1845 —

copied.

23 Aug. 1845.

1175

An Act establishing District Courts.—

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. ——— The District Courts shall be composed of three Judges in each District, one of whom shall be appointed in the manner prescribed by the "Act to establish Courts and prescribe their powers and duties" at each regular session of the House of Representatives to hold their offices for three years and until their successors are duly elected and qualified.

Sect. 2. ——— The House of Representatives shall upon the first Election held to fill the offices of District Judges, class the persons elected so as to make the tenure of the office of the first-class to expire at the end of three years, of the second class at the end of two years, and of the third class at the end of one year, and the Judges so elected shall be commissioned accordingly.

Sect. 3. ——— The District Courts shall hold two sessions annually to be held at the seat of Justice in each District, so soon as suitable buildings are prepared, to be held in the several Districts at the times following, to wit;

In the District of Twality on the last Mondays of April and July.

In the District of Champoick on the second Mondays of May and August.

In the District of Yam Hill on the first Mondays of May and August.

In the District of Clackamas on the second Mondays of April and July.

In the District of Clackamas on the third Mondays of May and August.

In the District of Vancouver on the third Mondays of April and July.

Sect. 4th. ——— The District Courts shall have power Juris- and over all Criminal cases cognizable before the Dis-

trict Courts of the Territory of Iowa, except the trial of indictments for Crimes or misdemeanors, the punishment of which is Corporeal or by fine exceeding one hundred dollars.

Second ——— Original Jurisdiction in all Civil cases not cognizable before Justices of the Peace.

Third. ——— And generally all powers exercised by the District Courts and County Commissioners of the Territory of Iowa, not otherwise provided for in this Act. provided however that the Court shall not levy a tax for District purposes on objects other than those taxed for Territorial purposes, nor to an amount on any one year exceeding the Territorial levy.

Sect 5. ——— The Judges of the District Courts shall each receive as a full compensation for his services, the sum of Two dollars for every days attendance on the Court, to be paid out of the County Treasury.

This Act to take effect and be in force from and after its passage.

Oregon City 23. Aug.t 1845

Approved

Geo. Abernethy

(10) 1176

An Act to establish Justices Courts &c —

Read 1st time — 12th Aug.t —
" 2nd " 13th " —
referred to Committee of the whole adopted —
recommitted to Committee of the whole — adopted
Read 3d time 18th Aug.t
and passed

1845

Copied

An Act to establish Justices Courts and define their Powers and Duties

Be it enacted by the House of Representatives of Oregon Territory, as follows.

Sect. 1. ——— That an Act contained in the Statutes of the Territory of Iowa, entitled "an Act to provide for the appointing of Justices of the Peace, to prescribe their powers and duties and to regulate their proceedings" shall be the Law of this Territory, except in cases otherwise provided for by this Act, as follows, to wit.

Sect. 2. ... The Judges of the District Courts shall be ex officio Justices of the Peace, within their several Districts, and shall hold Courts monthly at their several offices or residences for the trial of all cases within their Jurisdiction, and the first six sections of the first article of said Act are hereby declared inapplicable to Oregon.

Sect. 3. ... Magistrates shall have Jurisdiction in Civil cases over all sums not exceeding one hundred and fifty dollars.

Sect. 4. ... All process shall run in the name of the Territory of Oregon, and wherever "Iowa" occurs in said Act, Oregon should be understood, District should be read instead "Township" occurs, and Sheriff should be understood instead of "Constable"

This Act to take effect and be in force, from and after its passage.

Oregon City 20 Aug. 1845

Approved

Geo. Abernethy

1177

An Act concerning Grand and Petit Juors

Read 1st time 13th Augt
" 2nd " 14th Augt
referred to Committee of the whole — adopted
Read 3d time 16th Augt
and passed

copied

An Act amendatory of an Act of the Statutes of Iowa Territory entitled "an Act concerning Grand and Petit Jurors.

Be it enacted by the House of Representatives of Oregon Territory, as follows.

Sect. 1. ——— That the number necessary to be summoned for a Grand Jury shall be Twelve, and that any ten of them shall concur in an indictment.

Sect 2 ——— It shall be the duty of the Clerk of the District Court, to give to each person serving as a Grand Juror, a certificate of his attendance on the Court, and such certificate shall exempt the holder from as many days of service on roads or other public duties as he may have been in attendance on the District Court, and Grand Jurors shall receive no further compensation.—

Sect. 3. ——— Petit Jurors shall be entitled to one dollar for each verdict rendered.

Sect 4. ——— It shall be the duty of the Sheriff when a Petit Jury is required, to proceed to summon the proper number of Jurors from the by-standers, or in case a Jury competent to try the case cannot be selected from the by-standers, he shall proceed to summon said Jury, from the vicinity, and each Petit Juror shall receive in addition to his fee upon each verdict, ten cents a mile for every mile he has necessarily to travel, in obeying the summons of the Sheriff, but no Juror summoned upon the ground shall be entitled to mileage. Therefore the 7th section of the Act entitled "an Act concerning Grand and Petit Jurors of the Statute Laws of the Territory of Iowa" is hereby declared inapplicable to Oregon.

This Act to take effect and be in force from and after its passage.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

1178

An act to establish a Road from Oregon City to the Sandian settlement.

Read 1st time 11th Aug 1862

" 2d " 13th "

refused to Committee of the whole — adopted

Read 3d time 15th Aug

And passed

1862

copied

An Act to lay out and establish a public road from Oregon City, to the settlement on the Sandiam River.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. ——— That Harrison Wright of the District of Clackamas and William Hauel and Joseph Holman of the District of Champoick, be and they are hereby authorised and commissioned to view and mark out a public Road from Oregon City, in the District of Clackamas, on the nearest and most practicable route to the Molalla settlement, thence crossing the Pudding River to Holman's prairie, thence to the settlement on the Sandiam River in the District of Champoick.

Sect. 2. ——— The said Commissioners shall meet at Oregon City on the third Monday in September next, and before entering upon the discharge of their duties as Commissioners, shall take and subscribe before some one authorized to administer oaths, the following oath "You solemnly swear (or affirm) that you will faithfully and impartially discharge the duties of Commissioners, to lay out and mark a public Road from Oregon City to the Sandiam settlement, according to the law authorizing said Road, to the best of my abilities.

Sect. 3. ——— The said Commissioners may adjourn from time to time, and from place to place, as may be necessary in the discharge of their duties, and two of their number shall constitute a quorum to do business and in case a quorum should fail to meet at the time and place as required above, or any other time and place to which they may have adjourned, it shall be the duty of the President of the District Court of Champoick District, upon application of any one of said Commissioners, to appoint a time and place of meeting and require their attendance, by his official order.

Sect. 4. ——— It shall be the duty of said Commissioners, upon the completion of their work, to report the same, to the District Courts of Champoick and Clackamas Districts, and

the Courts shall upon the receipt of such report, proceed to have said Road opened according to Law, each in their own District respectively; and the said Courts shall audit the account and allow said commissioners such compensation for their services, as may be allowed by Law, to be paid out of the District Treasury.

This Act to take effect and be in force, from and after its passage

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

1179

An Act to organize the District of Vancouver.

Read 1st time 12th Aug.
" 2nd " 13th "
referred to Committee of the whole. Laid upon the table.
in Committee of the whole
adopted.
Read 3rd time and passed
16th Aug.
1145

Dejuit.

An Act to organize the District of Vancouver 1179

Be it enacted by the House of Representatives of Oregon Territory, as follows:

That all that portion of the territory of Oregon lying North of the middle of the main channel of the Columbia River, shall be and the same is hereby declared a seperate District, under the name and style of Vancouver District, and the said District shall be entitled to elect one Member to the House of Representatives, at the next annual Election.

This Act to have effect and be in force, from and after its passage.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

An Act providing for the Election &c of Sheriffs ...

Read 1st time 13th Aug.t
" 2nd " 14th "
referred to Committee of the whole. adopted
and 3d time 18th Aug.t
and Passed

Copied

An Act providing for the Election and defining the duties of Sheriffs. —

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. ..... There shall hereafter be in each of the organized Districts in this Territory, a Sheriff elected at the annual Election, by the qualified electors of each District, who shall be commissioned by the Governor, and shall hold his office for the term of two years, and until his successor in office is duly elected and qualified.

Sect. 2. ..... That the first section of "an Act to provide for the appointment and to define the duties of Sheriffs" in Iowa Territory approved Jan'y 21st. 1839. be and the same is hereby declared inapplicable to Oregon Territory and the words "United States" as used in the second section of said Act, shall be read and understood Oregon Territory, and that wherever the word "county" occurs in said Act, district be understood.

Sect 3. ..... The Sheriffs elected by the House of Representatives at the present session, shall hold their offices until the next annual Election, and until their successors are duly elected and qualified.

Sect 4. ..... The Sheriff after the year 1845 shall be ex officio Assessor of the revenue of his District under such regulations and for such compensation as may hereafter be provided by Law.) ...

This Act to take effect and be in force, from and after its passage.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

1181

An Act legalizing the Acts of the Courts of Oregon

Read 1st time 13th Aug.
" 2nd " — 14 "
referred to the Committee of the whole — adopted
Read 3rd time and passed
13th Aug.
1845

copied.

An Act legalizing the Acts of the Courts of Oregon and for other purposes.

Be it enacted by the House of Representatives of Oregon Territory, as follows.

Sect 1. ——— That the official acts of the Courts of Oregon so far as they are in accordance with either the Original or Amended Organic Laws of Oregon are hereby declared valid and legal.

Sect. 2 ——— It shall be the duty of the officers of the said Courts to deliver to the Secretary of the Territory the Dockets and all other papers or records belonging to said Courts and the Secretary shall give his receipt therefor.

Sect 3. ——— It shall be the duty of the Secretary to forward to the proper District and Probate Courts, so soon as they are properly organized, a transcript of the Docket, together with the papers belonging to the same, of all unfinished business upon the Docket of said Court and the Courts shall proceed to final issue in such cases in the same manner and to the same effect, as if the progress made in such cases had been made in the District and Probate Courts.

This Act to take effect and be in force, from and after its passage.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

1182

An Act concerning the Bonds of Offices —

Read 1st time 13th Augt
" 2nd " 14th "
ordered to be engrossed
Read 3rd time and passed
15th Augt
1844

By Jno

An Act concerning the Bonds of Officers

Be it enacted by the House of Representatives of Oregon Territory, as follows,

That the Bonds of Territorial officers shall be approved by the Governor, and the bonds of Clerks, Sheriffs, Coroners or other officers belonging to a Court, shall be approved by the President of the Court to which they respectively belong.

This Act to take effect and be in force from and after its passage.

Oregon City 19. Aug. 1845

Approved

Geo. Abernethy

(14)

1183

An Act to locate a Road from Twalaty Plains to Sauvè's island ...

Read 1st time 12th Augt
" 2d " 13 "
refer'd to Committee of the whole — adopted
Read 3d time 15th Augt
And Passed

An Act to locate a Road from Twalaty Plains, to Sauvies Island ...

Be it enacted by the House of Representatives of Oregon Territory, as follows,

Sect. 1. ——— That Charles McKay, Robert Pic, and John Flett be and they are hereby appointed Commissioners to lay out, and establish a Territorial road, to start from some point in the Twalaty plains, and on the road leading to Smiths ferry on Yam Hill river; to be settled on by said Commissioners, and terminate at Sauvies Island.

Sect. 2. ——— Said Commissioners shall meet at the house of Charles McKay, on the first Monday in September 1845, and shall proceed to lay out and mark said road, and report the same to David Flett, who is hereby appointed overseer of said road and whose duty it shall be, to call out the hands that may be found in his district, by giving them three days notice, and shall proceed to clear out and open the same thirty feet wide.

Sect. 3. ——— This Act to take effect and be in force, from and after its passage.

Approved 19. Aug. 1845 Oregon City
Geo. Abernethy

(9) 1184

An Act amendatory of an Act entitled "an Act subjecting real and personal estate to execution"

Read 1st time 12th Aug.t—
" 2nd " 13th "
refer'd to Committee of the whole — adopted —
Read 3d time 14th Augt
and Passed

1845

Copied

An Act amendatory of an Act of the Statutes of Iowa Territory entitled "an Act subjecting real and personal estate to execution".

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. ~~~ ~~ ~~ That the term "Real Estate" as used in the Statute Laws of the Territory of Iowa in an Act entitled, "an Act subjecting real and personal estate to execution" shall only apply to Town or City property or to improvements claimed and owned in virtue of occupancy secured and allowed by the treaty between the United States and Great Britain, but no claim or improvements upon a claim held according to the Laws of this Territory shall be subject to execution.

Sect 2. ~~~ ~~ ~~ ~~ No stay upon execution shall be permitted or allowed except by the consent of the party in whose favor the execution has been issued, nor for any time other than the time agreed upon by the parties.

This Act to take effect and be in force from and after its passage.

Approved Oregon City 19 Aug. 1845
Geo. Abernethy

An Act fixing the salary of the Governor and the per diem pay of the Houses of Representatives.

Read 1st time 18th Aug.
" 2nd " " "
Referred to Committee of the whole. adopted
read 3 time and
Passed 19th Aug 1845

Copied

An Act fixing the salary of the Governor, and the per diem pay of Members of the House of Representatives

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect 1. ... The Governor of this Territory shall receive in quarterly payments the sum of Three Hundred dollars annually, as a full compensation for his services.

Sect. 2. ... The Members of the House of Representatives shall receive the sum of Two dollars a day, for every day they are in attendance on the House, and ten cents per mile for every mile they necessarily travel in going to and returning from the place of Meeting.

This Act to be in force and take effect, from and after its passage

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

(8) 1186

An Act establishing Probate Courts.

Read 1st time 9th Aug.
" 2nd " 11th "
refer'd to Committee of the whole this day - adopted
read 3d time
12th Aug. 1845
and Passed
Reconsidered same day -
and recommitted to Com
of the whole - adopted
Read 3d time 13th Aug.
And Passed

Sgd

An Act establishing Probate Courts in the Territory of Oregon —

Be it enacted by the House of Representatives of the Territory of Oregon, as follows:

Section 1st ——— There shall be established in each organized District in this Territory, a Court of Record, to be styled the Court of Probate, to be held monthly in the several districts, at the seat of Justice of each District, so soon as suitable buildings are provided, the Jurisdiction whereof shall be co-extensive with the limits of the County in which the Judges shall be respectively appointed.

Sect. 2nd ——— The Presidents of the District Courts in the several districts shall be the ex officio Probate Judges for their respective districts.

Sect. 3rd ——— This Act to take effect and be in force from and after its passage. —

Approved Oregon City 16. Aug. 1845.

Geo. Abernethy

(3) × 1187

An act regulating the proceedings, and defining the duties and powers of the Supreme Court.

Read 1st time 8th Aug 1845
" 2nd " 9th "
referred to Committee of the whole this day, adopted ——
Read 3rd time 12th Aug
Lost ——
Reconsidered 13th Aug 1845
and referred to Committee of the whole — adopted
Passed — 12th Aug 1845

Copied.

An Act regulating the proceedings, and defining the duties and powers of the Supreme Court.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1st ——— The Supreme Court in addition to the powers conferred by the Articles of Compact, shall have power to direct the form of writs and Process, and of directing inferior Courts, in all things relative to their duties.

Sect 2nd ——— The Judge of the Supreme Court, at the close of each session of the House of Representatives is hereby required to examine carefully the Laws passed at said session, and shall have power to annul by the publication of his decision, directed to the inferior Courts, all such Laws or parts of Laws, as are in his opinion, in violation of the Articles of Compact, either as,

First — Touching the rights of the Citizens of Oregon;

Second — The rights of Citizens of the United States, or subjects of Great Britain, secured to them by their respective Governments, or by treaties existing or in force between the two Governments.

Third — Or by the assumption or usurpation of powers properly belonging to the Governments to which we owe allegiance, and which might be construed into Acts of Treason or Rebellion.

Sect. 3rd ——— It shall be the duty of the Judge of the Supreme Court, to report to the House of Representatives, a list of all Acts or parts of Acts, of the preceding session by him annulled, with his reasons therefor, which shall be filed and preserved in the office of the Secretary of the Territory.

Sect. 4th ——— The sessions of the Supreme Court shall be held at Oregon City, until otherwise directed by Law.

Sect. 5th —— The Judge of the Supreme Court shall receive Two Hundred dollars annually to be paid in quarterly payments, as a full compensation for his services.

This Act to take effect and be in force from and after its passage. ——

Approved Oregon City 15 Aug 1845
Geo Abernethy

(F) * 1183

An Act establishing the Criminal Court.

Read 1st time 8th Augt
" 2nd time 9th "
refer'd to Committee of the whole this day - adopted
report back to Committee of the whole - adopted
read 3d time
Passed 12th Augt
1845

Certified

An Act establishing the Criminal Court.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Section 1st ——— A Court to be styled the Criminal Court, for the trial of indictments found in the District Courts, for crimes and misdemeanors, punished corporeally or by fine exceeding one hundred dollars, shall be held half yearly at Oregon City on the 2d Mondays of June and ~~September~~ annually.

Sect. 2nd ——— Call sessions may be held by the Criminal Court at any time for the trial of Criminals in confinement, at least ten days previous notice of such call Court shall be given by the Judge to the prosecuting attorney, and to the Criminal or Criminals to be tried at such term.

Sect. 3rd ——— The Judge of the Supreme Court shall be ex officio Judge of the Criminal Court until otherwise directed by Law.

Sect. 4th ——— The Judge of the Criminal Court shall receive Two Hundred dollars annually, to be paid in quarterly payments, as a full compensation for his services.

This Act to take effect and be in force from and after its passage.

Approved. Oregon City 15 Aug. 1845
Geo. Abernethy

1189

An Act defining the duties of Treasurer.

Read 1st time 12th Augt "
" 2nd " 13th "
referred to Committee of the whole — laid upon the table in Committee of the whole adopted — 15th Augt
read 3d time 18th Augt
and passed

1840

copied

An Act defining the duties of Treasurer.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. ... There shall be a Treasurer elected by the House of Representatives, commissioned by the Governor, and continue in office for two years, and until his successor is duly elected and qualified; and before entering upon the discharge of his duties shall take the Oath prescribed by the articles of Compact, which shall be endorsed upon his commission, and shall enter into bonds to be approved by the Governor, with two or more good and sufficient securities to the Territory, conditioned for the faithful performance of his duties, and in a penal sum of not less than five nor more than twenty five thousand dollars; a vacancy in the office of Treasurer shall be filled in the same manner as a vacancy in the Judiciary, the temporary Treasurer being sworn, and bound as the permanent officer.

Sect. 2. ... The Treasurer shall receive all moneys paid into the Treasury and receipt for the same, he shall procure and keep suitable books in which he shall enter an account of all his receipts and disbursements, and shall in no case pay money out of the Treasury but according to law, and shall annually report to the House of Representatives, a true account of all his receipts and disbursements with necessary vouchers for the same, and shall deliver to his successor in office all books, moneys, accounts or other papers belonging to the Territory, so soon as his successor shall become duly qualified.

Sect. 3. ... The Treasurer shall receive, as a full compensation for his services, the sum of two per cent upon all moneys in the Treasury upon his coming into, and going out of offices, and two per cent upon all moneys or scrip, by him paid out or issued, and five per cent upon all moneys, by him received, while in office.

Sect. 4. ——— The Treasurer shall be ex-officio Auditor of this Territory, and shall in that capacity when there is no funds in the Treasury to satisfy a lawful demand against the Territory, issue in the name of the person to whom the money is due, his certificate or scrip, for the amount so due and unpaid, which certificate shall bear interest from its date, at the rate of six per cent per annum until paid.

Sect 5 ——— It shall be the duty of the Treasurer ~~to~~ pay on demand all moneys due on certificate or scrip, if there be any money in the Treasury appropriated for that purpose, and to receive and receipt for all moneys tendered him for taxes, licenses, fines, forfeitures or other moneys due and payable to the Territory, and such receipt for fines, ——for ~~feitures~~ or other moneys, exhibited to the Marshal, Sheriff, or other officer charged with the collection of the same, shall be sufficient evidence of the payment thereof, and no percentum for collection shall be charged by such officer, and the Treasurer is hereby authorized and empowered, to procure the printing of ~~so many~~ blank forms, as may be necessary for the office of Secretary and Treasurer of this Territory.

Sect. 6. ——— It shall be the duty of the Treasurer to transcribe and forward to the several Sheriff's of the different districts a transcript from the day list of all taxes due and unpaid, on the first day of October of each year, within their several districts, and the Sheriff shall proceed to collect the same with Twenty per cent thereon, as debts due on execution, and shall have like fees for the same, and the Sheriffs are hereby required to make returns to the Treasurer, of all moneys so collected by them by the second Monday of December of each year For all writing required to be done by this section, the Treasurer shall receive twelve and a half cents per hundred words. ——

This Act to take effect and be in force from and after its passage.

Oregon City 20. Aug. 1845

Approved

Geo. Abernethy

(4) 1190

An Act defining the duties of the Secretary of the Territory ——

Read 1st time — 8th Aug.
" 2nd " — 9th " referred to Committee of the whole this day — adopted
Read 3rd time 12th Aug. — and passed ——

1845

copied.

An Act defining the duties of the Secretary of the Territory ...

Be it enacted by the House of Representatives of the Territory of Oregon, as follows:

Section 1st ..... The Secretary of this Territory shall be elected by the House of Representatives and commissioned by the Governor, and continues in office for two years and until his successor is duly elected and qualified, and before entering upon the discharge of his duties, shall take the oath prescribed in the Articles of Compact, which shall be endorsed upon the back of his commission and shall enter into bond with good and sufficient securities to the Territory conditioned for the faithful performance of his duties, and in a penalty to be fixed from time to time by the House of Representatives: a vacancy in the office shall be filled in the same manner as a vacancy in the Judiciary, the temporary Secretary being sworn and bound as the permanent officer.

Sect. 2nd ..... With the advice of the Governor he shall procure a Seal for the Territory with such emblem device and motto as the Governor shall direct and until such seal is provided, he may use his private seal.

Sect. 3rd ..... He shall keep his office at the seat of Government, so soon as a suitable house is provided, and shall have the safe keeping of the Seal of the Territory and of all public records, rolls, documents, acts, resolutions and orders of the House of Representatives. He shall keep a register of all commissions issued, and the official acts of the Governor, and when necessary attest the same, He shall also keep a book in which he shall record the official correspondence of the Governor.

Sect. 4th ..... He shall make report and give information to the Governor or the House of Representatives

respecting all matters referred to him by either, and the Governor, Judge of the Supreme Court, or any Member of the House of Representatives shall have free access to his offices for the examination of the books, papers, records, or documents therein contained, but no original paper shall be removed from his office, except upon the official application of the Governor, Judge of the Supreme Court, or upon a resolution of the House of Representatives.

Sect. 5th. ——— He shall affix the Seal of the Territory and countersign all Commissions, both Civil and Military and other official acts of the Governor, Messages to the House of Representatives, and approval of the Laws excepted, and he shall keep an abstract of all commissions so issued, with their date and term of service and to whom issued. Also if any office becomes vacant, he shall enter the time and cause of such vacancy and refer to the proper voucher for the fact: and he shall also note the time and how such vacancy was filled —

Sect. 6th ——— He shall at the close of each session of the House of Representatives make out and furnish to the Treasurer, a list of all appropriations made at that session: Also he shall at the end of the present session of the House of Representatives, make out and furnish to the Treasurer a list of all the officers of the Territory entitled to salaries or perquisites out of the Treasury, the date of their several commissions, the time when to be paid, and out of what particular fund or appropriation. And in case of vacancy in any office to which a salary is by Law attached, he shall forthwith notify the Treasurer of the fact, with the time such vacancy occurred and when filled.

Sect. 7th ——— He shall also furnish a list of all other expences of the Government, and how and when to be paid, and out of what fund or appropriation, and such lists shall be a sufficient authority for the Treasurer to pay to the order of such officers their salaries, perquisites or other demands upon the treasury whenever due.

Sect. 8th ——— The Secretary shall furnish to any person, certified copies with the official seal of his office affixed, of any papers or documents in his office, provided his legal fees are tendered.

Sect. 9th ——— The Secretary of the Territory, shall have fees for his services, as follows:

For issuing each Commission .50 cts.
" each certificate with the seal of the Territory, 50 cts.
" Copies of any documents, or papers in this office, for every 100 words . . 12½ cts.
For all official writing, per " " 12½ cts.
to be paid by the applicant.

Sect. 10th ——— If the Secretary failing to perform any of the duties enjoined upon him by this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, be fined not less than Ten dollars nor more than one Thousand dollars, at the discretion of the Court, and he shall be further liable for all damages done to individuals, or to the public, to be recovered by action of debt, upon his official bond.

Approved Oregon City 15 Aug. 1845
Geo. Abernethy

An Act concerning Costs and Fees —

Read 1st time — 18th Aug.
" 2nd " — 19 "
referred to Committee of the whole — adopted —
Read 3rd time — 20th Aug.
— and passed —

1845

Copied

An Act concerning Costs and Fees.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect. 1. ——— That an Act contained in the Iowa Statutes entitled "an Act concerning Costs and Fees" shall apply to all cases in this Territory not otherwise provided for in this Act.

Sect. 2 ——— The Sheriff shall receive out of the County or District Treasury the sum of three dollars for summoning each Grand Jury, and the sum of one dollar and fifty cents for summoning a Petit Jury before the District Court and seventy five cents for summoning a Jury before a Justices of the Peace, to be taxed as other Costs and no fee shall be paid out of the District Treasury for Petit Jurors — and all Costs of Sheriffs shall be paid out of the District Treasury, in cases where said Act provides that they shall be paid out of the Territorial Treasury.

Sect. 3. ——— The fees of the Attorney shall be paid out of the Territorial Treasury in all cases where defendant is not convicted or no property is found of defendants, but in all other cases his Costs shall be collected as other Costs.

Sect. 4. ——— The Secretary, Recorder and Treasurer shall receive 12½ cents for filing each papers or document in their offices to be paid as other fees, and for all other services not otherwise directed by Law, the same fees as are allowed to Clerks of the Supreme Court.

This Act to take effect and be in force, from and after its passages.

Oregon City 23 August 1845
Approved
Geo. Abernethy

1192

An Act concerning the Fees of Circuit Attorney.

Read 1st time — 20th Aug.t

" 2nd " — " "

referred to Committee of the whole — adopted.

Read 3rd time and passed

20th Aug.t

1845

Copied.

An act concerning the fees of Circuit Attorney.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

"The Circuit Attorney shall in addition to his other fees allowed by Law, be entitled to the sum of ten dollars upon each conviction had in Criminal cases to be collected as other costs".

This Act to take effect and be in force from and after its passage.

Oregon City 23. August 1845

Approved

Geo. Abernethy

1193

An Act concerning Copies of the Organic Law

Read 1st time ..... 20th Aug.
" 2d " " "
adopted in Committee
Read 3d time ... 20th Aug.
and passed ..

Copied.

An Act concerning Copies of the Organic Law.

Be it enacted by the House of Representatives of Oregon Territory, as follows;

Sect 1. That the Sheriff of the late Election, held for the purpose of taking the vote of the People on the Organic Law, be and they are hereby required to deliver to the District Judges of their respective Districts, the Copies of said Organic Law, which were forwarded to them on that occasion per order of this House.

Sect. 2. The Clerk is hereby required to forward to one of the District Judges in each District, a Copy of this Act.

This Act to take effect and be in force, from and after its passage.

Oregon City 23. August 1843

Approved

Geo. Abernethy

1194

An Act to provide for a Special Term of the District Courts

Read 3 times 21st Aug't and passed

Approved

An Act to provide for a Special term of District Courts

Be it enacted by the House of Representatives of Oregon Territory, as follows,

Sect. 1. — That there shall be held a Special Term of the District Court in the several Districts, as follows, viz.

For the District of Lincoln on the first Tuesday in October 1845.

For the District of Champoeg on the second Tuesday in October. 1845

For the District of Twality on the fourth Tuesday in October 1845.

This Act to take effect and be in force, from and after its passage.

Oregon City 23. August 1845

Approved

Geo Abernethy

An Act to create the office of Superintendant of Indian affairs

Read 1st time 20th Aug.
" 2nd " " "
referred to Committee of the whole. — adopted
Read 3rd time and passed
20th Aug.
1845.

Cyril.

An Act to create the office of Superintendant of Indian affairs

Be it enacted by the House of Representatives of Oregon Territory, as follows,

Sect. 1. ——— That there shall be elected by the House of Representatives and Commissioned by the Governor, a Superintendant to regulate the intercourse with the Indians of this Territory; who shall hold his office for the term of two years, and until his successor is duly appointed and qualified.

Sect. 2. ——— It shall be the duty of the Superintendant of Indian affairs, to maintain and promote as far as is in his power, peace and good order among the neighbouring Indian tribes, and between the Whites and Indians; and to seize upon all Spirituous liquors intended to be sold, bartered or given to the Indians, and all liquors so seized shall be destroyed by the said Superintendant.

Sect. 3. ——— He shall determine all disputes concerning property between Whites and Indians, according to Law; and (if in his power) recover stolen property from the Indians, when applied to for that purpose, to inflict or procure (if possible) punishment of Indians, when guilty of crimes towards the White population, and to ratify the Civil authority in all cases, where Whites men are guilty of any unlawful Acts or proceedings, calculated to embroil us with the Natives, or to endanger the safety of the frontier families.

Sect. 4. ——— It shall be his duty to report to every Annual meeting of the House of Representatives, the proceedings in his department, and the state of our relations with the neighbouring Tribes, and make such suggestions regarding his department, as he may think necessary, the Superintendant shall receive for his services the sum of Two hundred dollars per Annum, payable quarterly out of any Monies in the Treasury not otherwise appropriated.

Sect. 5. ——— It shall be the duty of the Superintendant to despatch by the earliest opportunity to the Frontier posts of the H. B. Comp.y in the direction of the United States, Canada and California, such instructions and directions to Emigrants to

this Territory, in regard to their conduct towards the Natives, by the observance of which they will be most likely to maintain and promote Peace and friendship between them and the Indian Tribes, through which they are to pass, and in all cases not provided for by this Act, he shall be governed in his duty, by the instructions and laws of the United States in regard to Indian Affairs.

This Act to take effect and be in force, from and after its passage.

Oregon City 23 August 1845

Approved

Geo. Abernethy

An Act proposing an Amendment to the Organic Law

Read 1st time 20th Augt.
" 2nd " " "
Referred to Committee of the whole and adopted
Read 3rd time and passed
20th Augt.
1845.

Consent

An Act proposing an amendment to the Organic Laws.

Be it enacted by the House of Representatives of Oregon Territory, as follows,

That it shall be the duty of the Judges of the next annual Election to be held in this Territory, to require the qualified voters of their respective Districts, to vote either for or against the striking out of the 4th section of the article on donation claims of the Organic Law, the words "or under"

This Act to take effect and be in force, at the next annual Election.

Oregon City 23. August 1845

Approved.

Geo. Abernethy

(6) 1197

An Act establishing a Recorders office.—

Read 1st time 9th Aug.
" 2nd " 11th "
Referred to Committee of the whole this day—
Adopted.—
Read 3d time and Passed
12th Aug. 1845

Council

(60 Pgs.)

An Act establishing a Recorders office.

Be it enacted by the House of Representatives of the Territory of Oregon, as follows:

Section 1st ——— There shall be established an office, to be styled the Recorders office, in which all land claims, Deeds, Bonds, Mortgages, or other instruments of writing relating to Lands, shall be recorded in a fair and legible manner, according to law.

Sect. 2nd ——— The Secretary of the Territory shall be ex-officio Recorder, until otherwise directed by Law, and shall take oath and give bond for the faithful performance of his duties and suffer like penalties as Recorder as is required of and imposed upon him as Secretary.

Sect. 3rd ——— He shall record all certificates of Marriages, file and preserve all plats of Towns and Cities and all plats and field notes of private claims.

Sect. 4th. ——— It shall be the duty of the Recorder to give each person a certificate of the record of his claim which certificate shall be endorsed upon the description of the boundaries of the tract of land presented for record, and in case the person applying for such certificate of record shall present duplicate plats and field notes of a survey of his claim, the filing of one of said plats and field notes, shall be deemed a sufficient record, and the certificate of the Recorder shall be endorsed upon the other retained by the claimant.

Sect. 5th ——— It shall be the duty of the Recorder to require each applicant for the record of a Land claim to state whether the same is a partnership claim and if so he shall enter the names of the partners at length in the record and the certificate endorsed upon the description of the boundaries of said claim, and he shall

further be required to state whether he intends to hold the said claim with or without occupancy, which fact shall be stated in the record and certificate, and the Recorder shall furnish the collector of Taxes a list of the names of all persons holding claims without occupancy.

Sect. 6th. The Recorder shall have fees for his services as follows, to be paid by the persons applying therefor;

For recording each Land claim, and the additional sum of 12½ cents for every 100 words over 200 ,50 cts.

For each certificate ,50 cts.

" recording each certificate of marriage 1,00

" all other writing for every 100 words 12½ cts.

Sect 7th. This Act to take effect and be in force from and after its passage.

Approved 15. Aug. 1845 Oregon City

Geo. Abernethy

An Act to lay out, and establish a public Road from Multnomah City to the mouth of Mary's river

Read 1st time 6th Dec.r

" 2nd " 8th "

referred to Committee of the whole — adopted

Read 3rd time 10th Dec.r

Passed & approved

Dec 16

Ord

An Act to lay out and establish a public road, from Multnomah City to the Mouth of Clatsop's river.

Be it enacted by the House of Representatives of Oregon Territory, as follows:

Sect. 1. That Courtney M. Walker of the District of Twalatty, and Nath'l Ford and Joel Walker of the District of Yam Hill, be and they are hereby authorized and commissioned to view and mark out a public road from Multnomah City in the District of Twalatty on the nearest and most practicable route to the mouth of Clatsop's River in the District of Vancouver, crossing the Twalatty River at or near its mouth.

Sect. 2. That the said Commissioners shall meet at Multnomah City on the first Tuesday in February next, and before entering upon the discharge of their duties as Commissioners shall take and subscribe to, before some one authorized to administer oaths, the following oath, "I do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties of Commissioner to lay out and mark a public Road from Multnomah City to the mouth of Clatsop's River, according to the law authorising said Road, to the best of my ability."

Sect. 3. The said commissioners may adjourn from time to time, and from place to place, as may be necessary in the discharge of their duties, and two of their number shall constitute a quorum to transact business, and in case

a quorum should fail to meet at the time and place as required above, or any other time and place to which they may have adjourned, it shall be the duty of the President of the District Courts of Tualaty or Yamhill District upon application of any one of the said Commissioners to appoint a time and place of meeting and require their attendance by his official order.

Sect. 4. ..... That it shall be the duty of said Commissioners upon the completion of their work to report the same to the District Courts of Tualaty and Yamhill Districts and the Courts shall upon the receipt of such report, proceed to have said Road opened according to law, each in their own District respectively, and the said Courts shall audit the account and allow said Commissioners such compensation for their services as may be allowed by law to be paid out of the District Treasury.

Sect. 5. ..... That the said Commissioners shall be authorized to employ two chain carriers, and that they be allowed Two dollars per day.

This Act to take effect and be in force from and after its passage.

Robert Newell
Speaker

Attest
J. E. Long
Clerk. Approved Oregon City 12 Dec 1845
Geo Abernethy

1199

An Act to propose an Amendment to the Organic Law

Read 1st time — 18 Dec 2

" 2nd " " " "

ordered to be engrossed

Read 3d time 19th Dec

and passed

1848

Cd

An Act to propose an amendment to the Organic Law

Be it enacted by the House of Representatives of Oregon Territory, as follows:

That it shall be the duty of the Judges of Election in each District, at the next annual Election, to take the vote of the people as to whether they will allow the next Legislature to so amend the Organic Law as to permit individuals to hold Six hundred acres of Land in the Prairie and Forty in the Timber, though said tracts do not join.

Attest J. Clong
Clerk

H A G Lee
Speaker pro tem

Oregon City 21 Dec 1845

Approved
Geo. Abernethy